

Serial No.: 10/008,535

REMARKS

Status Summary

Claims 1-7 and 11-19 are pending in the present application. Claims 8-10 have been withdrawn from further consideration under 37 CFR 1.142(b). Claims 1-7 and 11-19 presently stand objected to by the Examiner.

Objection to Claim 15

Claim 15 is objected to by the Examiner. The Examiner asserts that preparation of the composition defined in claim 15 involves admixing, not formulating, the compound with the carrier. The Examiner states that the objection would be obviated by changing "formulating" to "admixing." Applicants have amended claim 15 as suggested by the Examiner. Applicants therefore respectfully request that the Examiner remove this objection.

Objection to Claims 1-7, 11-14 and 16-19

Following an election by Applicants of Group I in Paper No. 8, a further election of species was required by the Examiner to begin a search of the prior art. In a telephone conference with the Examiner on March 12, 2003, Applicants elected compounds having a structure in common with Example 5a as set forth in the specification at page 7, Table 1.

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During a second telephonic conference with the Examiner on July 31, 2003, concerning the present Official Action, the Examiner asserted that the invention required further restriction to the embodiment of the invention set forth on page 2 of the present Official Action so as not to impose an undue search and examination burden. However, upon further conversation the Examiner agreed to expand the species for election to include "R₅ is H and alkyl" rather than "R₅ is H", as set forth in the Detailed Action.

The restriction requirements set forth above resulted in an objection by the Examiner to claims 1-7, 11-14 and 16-19 as containing non-elected subject matter. The Examiner states that the objection may be overcome by reciting in the claims the elected subject matter.

Applicants have amended claims 1, 11 and 16 to recite the elected subject matter, as suggested by the Examiner in the Official Action and as discussed above. Applicants therefore respectfully request that the Examiner remove this objection be removed and the claims be allowed at this time.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is

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respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 19 August 2003

By:

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